




DEPARTMENT OF PERSONNEL

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MEMO PERD #12/98
April 8, 1998

MEMORANDUM

TO: All Department and Division Heads,
Personnel Liaisons and Representatives

FROM: 
Sharon P. Murphy, Director
Department of Personnel

SUBJECT: DISCLOSURE OF IMPROPER GOVERNMENTAL ACTION

Attached is a summary of the statutes pertaining to the disclosure of improper governmental action. It is being provided to you in accordance with NRS 281.661 which requires the Director of the Department of Personnel to make a written summary of NRS 281.611 through 281.671 available to each State officer and employee on an annual basis.

Please ensure each employee within your organization is provided with the attached summary. Thank you for your assistance.

SPM:dsb

Attachment

DISCLOSURE OF IMPROPER GOVERNMENTAL ACTION

NRS 281.661 requires the Director of the Department of Personnel to provide each State officer and employee, on an annual basis, a summary of the statutes pertaining to disclosure of improper governmental action (NRS 281.611 through 281.671).

These statutes prohibit any State officer or employee from using his or her official authority or influence to prevent disclosure of improper governmental action by another State officer or employee.

"Improper governmental action" is defined in NRS 281.611 as...

"...any action taken by a state officer or employee in the performance of his official duties, whether or not the action is within the scope of his employment, which is:

- (a) In violation of any state law or regulation;
- (b) An abuse of authority;
- (c) Of substantial and specific danger to the public health or safety; or
- (d) A gross waste of public money."

Per NRS 281.631(2), "use of 'official authority or influence' includes taking, directing others to take, recommending, processing or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, evaluation or other disciplinary action."

NRS 281.641 affords a State officer or employee who discloses information concerning improper governmental action a hearing before a State Personnel Hearing Officer if any reprisal or retaliatory action is taken against him within two years following the disclosure. The appeal must be filed with the Hearing Officer on a form provided by the Department of Personnel within 10 working days after the alleged reprisal or retaliatory action takes place.

Finally, these statutes specifically encourage any State officer or employee to disclose improper governmental action to the extent not expressly prohibited by law. Further, it is the intent of the Legislature to protect the rights of a State officer or employee who makes such a disclosure.

A copy of these statutes may be obtained by contacting your department/division head or the Department of Personnel.